

REMARKS

The above claim amendments are made in response to the Office communication dated January 9, 2008, wherein the Examiner has indicated that the amendment filed by Applicants on October 9, 2007, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected inventions is non-responsive (MPEP § 821.03). The communication indicates that the remaining claims are not readable on the elected invention because claims 13-16 and 21-24 are method claims which were restricted into the second inventive group in the Office Action mailed on December 23, 2005, and withdrawn as a result of the election filed on March 2, 2006.

Accordingly, the above claim amendments have been made. New Claim 29 is based on a combination of old claims 1 and 2, new Claim 30 is based on old Claim 3, and new claims 31-33 are based on old claims 10-12, respectively. Old claims 1-3 and 10-12 were all canceled in Applicants' October 9, 2007 amendment. New Claim 34 is also based on old claims 1 and 2, new Claim 35 is also based on old Claim 3, and new claims 36-38 are also based on old claims 10-12.

In Examiner's Final Office Action dated May 30, 2007, the Examiner has rejected old claims 1 and 2 (which correspond to new claims 29 and 34) under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

The Examiner has also rejected old claims 1-7, 9-12, 26, and 27 (which correspond to new claims 29-384) under 35 U.S.C. § 102(b) as being anticipated by the article by González et al. (1996) ("González"). In addition, the Examiner has rejected claims 1-6, 10-12, 27, and 28 (which correspond to new claims 29-38) under 35 U.S.C. § 102(b) as being unpatentable over the article by Yuan et al. (1995) ("Yuan"). The Examiner has rejected claims 1-6, 10-12, 25, and 27 (which correspond to new claims 29-38) under 35 U.S.C. § 102(b) as being unpatentable over the article by Wilk et al. (1995) ("Wilk"). The Examiner has also

rejected claims 1-12, 25, and 27 (which correspond to new claims 29-38) under 35 U.S.C. § 102(b) as being anticipated by the article by Royer et al. (1996) ("Royer").

Claims 29-38 stand newly added. Claims 1-12, 17-20, and 25-28 stand previously canceled. Claims 13-16 and 21-24 stand withdrawn. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current claims 29-38. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

II. REJECTION OF CLAIMS 29 AND 34 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

On page 2 of the Office Action, the Examiner rejects claims 29 and 34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Specifically, the Examiner asserts that PPX_1Y and YX_2X_3L , as stated in claims 29 and 34, were not disclosed in the specification. However, this misinterprets the meaning of PPX_1Y and YX_2X_3L .

It is well known that, when used in an amino acid sequence, X represents an unspecified amino acid. Accordingly, while the specification states $PPXY$ and $YXXL$, each X in the two amino acid sequences does not necessarily represent the same amino acid. In other words, each unspecified amino acid X in $PPXY$ and $YXXL$ can ultimately represent a different amino acid. Therefore, stating PPX_1Y and YX_2X_3L in claims 29 and 34 only further clarifies this point. Accordingly, subsequent claims which are dependent from Claim 29 or Claim 34 can more readily refer to a specific unknown amino acid X without any undo confusion.

Since changing PPXY and YXXL to PPX₁Y and YX₂X₃L does not change the meaning of the sequences in any way, Applicants respectfully assert that claims 29 and 34 do, in fact, comply with the written description requirement. Therefore, Applicants respectfully request that Examiner remove the rejection of claims 29 and 34 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

III. REJECTION OF CLAIMS 29-34 UNDER 35 U.S.C. § 102(B) BASED ON VARIOUS REFERENCES

On pages 4-6 of the Office Action, the Examiner rejects claims 29-34 under 35 U.S.C. § 102(b) as being anticipated by various references. These rejections are respectfully traversed and believed overcome in view of the following discussion.

Claims 29-33

Claim 29 states, in part:

“wherein the budding mediating motif **consists** of an amino acid sequence selected from the group consisting of PTAP (SEQ ID NO: 1), PPX₁Y (SEQ ID NO:2), YX₂X₃L (SEQ ID NO:3) and a combination thereof.” (emphasis added).

None of the references to which the Examiner cites disclose a budding mediating motif consisting of any of the above three amino acid sequences or a combination thereof.

As such, Applicants respectfully assert that Examiner has failed to establish a prima facie case of anticipation of independent Claim 29, and corresponding claims 30-33 because they are each dependant from independent Claim 29. Therefore, Applicants respectfully request that Examiner remove the rejections of claims 29-33 under 35 U.S.C. § 102(b) as being anticipated by various references.

Claim 34-38

Claim 34 states, in part:

“wherein the budding mediating motif comprises an amino acid sequence selected from the group consisting of PPX₁Y (SEQ ID NO:2), YX₂X₃L (SEQ ID NO:3) and a combination thereof;

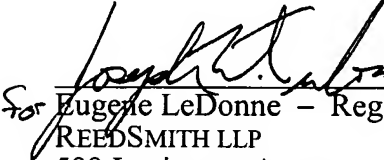

“wherein **X₁ is not P.**” (emphasis added).

None of the references to which the Examiner cites disclose a budding mediating motif comprising either PPX₁Y, where X₁ is not P, or YX₂X₃L.

As such, Applicants respectfully assert that Examiner has failed to establish a prima facie case of anticipation of independent Claim 34, and corresponding claims 35-38 because they are each dependant from independent Claim 34. Therefore, Applicants respectfully request that Examiner remove the rejections of claims 34-38 under 35 U.S.C. § 102(b) as being anticipated by various references.

Based upon the above remarks, Applicants respectfully request reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicants’ attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,


For Eugene LeDonne – Reg. No. 33,930
REEDSMITH LLP
599 Lexington Avenue
New York, NY 10022
Tel.: 212.521.5400

Joseph Treloar
Reg. No. 60,975

ED:JWT

502615.20013